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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,655	12/06/2001	Nainesh P. Shah	T148	7784

7590 03/21/2003

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EXAMINER

ST CYR, DANIEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 03/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/017,655

Applicant(s)

SHAH, NAINESH P.

Examiner

Daniel St.Cyr

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Receipt is acknowledged of the amendment filed 10/017,655 in which claims 1-10 and 12-20 were amended, claims 21 and 22 were added, and claim 11 was canceled.

#### *Claim Objections*

2. Claim 12 is objected to because of the following informalities: lines 2-3, "type" should be deleted. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by Schuessler et al, US Patent No. 6,332,575.

Schuessler et al disclose an audible indicator for optical code reading system comprising: a process for providing audible signal in response to the detector of multiple bar code symbols proceeds as follows. An attempt is made to locate scan data at 622; if the data is not located at 624, control returns to 622. A decode attempt on a 1D symbol is made at 626. If additional data is not located (i.e., the decode is complete) at 628, control proceeds to 630 which causes a low-frequency beep, indicating the reading of a 1D symbol and control proceeds to 632. If 1D

decode fails at 628, a scan attempt of decoding a 2D symbol is made at 634. If both symbols have not been decoded, control returns to 622. A successful scan of the 2D symbol causes a high-frequency beep, indicating the reading of a 2D symbol and control proceeds to 632. A determination is made at 632 as to whether both the 1D and 2D symbols have been decoded. If the result is failure to decode both symbols, control returns to 622. If both symbols have been decoded, a third type of beep, of a user-selected frequency, is emitted and the decoded data is transmitted to a processing system. The decoder, therefore, will beep twice during the decode attempt of a mixed 1D-2D hybrid symbol, such as MicroPDF code above a UPS-A code or code 128 linear symbol. Distinct decode beeps may be emitted as the decoder recognizes and decodes each part of the hybrid. The operator can determine, after the first beep, that one symbol has been decoded and, in addition, the type of symbol that has been decoded so that he or she can concentrate on scanning the symbol that has not been decoded (see col. 15, line 20 +).

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuessler et al in view of Giordano et al, US Patent No. 6,321,990. The teachings Of Schuessler et al have been discussed above.

Schuessler et al fail to disclose or fairly suggest that the indication means are LEDs (i.e. photo, illumination, lights) or vibration signal for indicating a valid read .

Giordano et al disclose a scanner with shock-absorbing canopy overmolded with linear of housing comprising: means for indicating a successful decode, wherein the indication includes diodes 236, 238, or sound (beeper), or a vibrator for generating a vibrating signal to alert an operator (see col. 7, lines 54-59).

In view of Giordano et al's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate the well-known diodes (LED), sound, or vibration indicating means, as alternate means for indicating to an operator when a valid scan occurs. Such modification would make the system more versatile and more practical by providing the LEDs or a vibrator for validating each scan of the system. Furthermore, the teachings of Giordano show that these indication means could be used interchangeably, within the art, for alerting operators and could provide effective system validation. Therefore, it would have been an obvious extension as taught by Schuessler et al.

#### *Response to Arguments*

7. Applicant's arguments with respect to claims 1-10 and 12-20 have been considered but are moot in view of the new ground(s) of rejection.

The limitation "photo" indicator or illumination required further search.

#### *Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**



MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

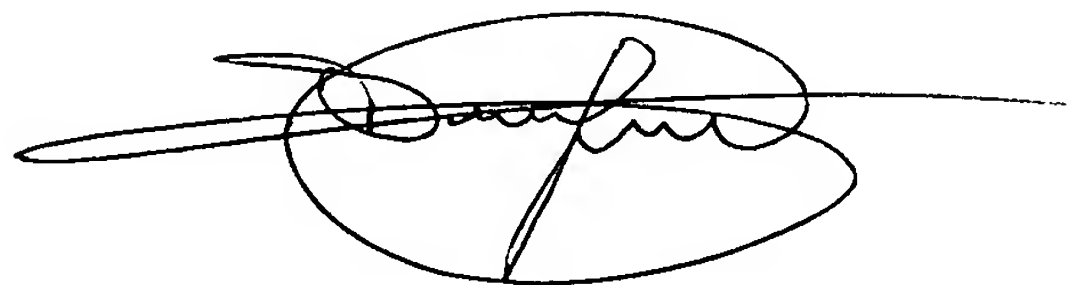
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr  
Examiner  
Art Unit 2876

DS  
March 17, 2003

A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', is written over a large, loopy oval shape. A long horizontal line extends from the left side of the signature across the page.